

a first storage unit for holding [plural] data [on] in a memory thereof;

a retrieval unit for retrieving the data stored in said first storage unit;

(13) a first sending receiving unit for sending the data retrieved by said retrieval unit, said first sending receiving unit receiving [the] a request information [sent] from a user and supplying the received request information to said retrieval unit; and

(14) a second sending receiving unit for receiving the data sent from said first sending receiving unit and for sending the request information from the user, said second sending receiving unit having a decision unit for checking whether [or not] the data sent from said first sending receiving unit is data newly stored in said first storage unit and having a second storage unit for storing the data sent from said first sending receiving unit [if the] when results of a check by said [check] decision unit indicates that the data is the data stored in said first storage unit.

--2. (Amended) The data sending receiving apparatus according to claim 1 wherein said second sending receiving unit further includes a reproducing unit and wherein, [if] when the results of the check by said decision unit indicates data other than the data newly stored in said first storage unit, said [second sending receiving] reproducing unit reproduces the data sent from

the first sending receiving unit [by said reproducing unit].

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--3. (Amended) The data sending receiving apparatus according to claim 1 wherein said first sending receiving unit, when sending data retrieved by said retrieval unit, appends supplementary data indicating that the data is data newly stored in said first storage unit [if] when the data sent is the data newly stored in said first storage unit.

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--4. (Amended) The data sending receiving apparatus according to claim 3 wherein said decision unit checks whether [or not] the data sent from said first storage unit is the data newly stored in said first storage unit.

--5. (Amended) The data sending receiving apparatus according to claim 1 wherein said second sending receiving unit generates the request information [form] from the user inclusive of data specifying [the user's] an intention of the user to make payment [to send] and sends the generated information to said first sending receiving unit.

--6. (Amended) The data sending receiving apparatus according to claim 5 wherein said first sending receiving unit switches [the] a sending mode to said second sending receiving unit [of] for data retrieved by said retrieval

unit based on data specifying the [user's] intention of the user to make payment sent from the second sending receiving unit.

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--7. (Amended) The data sending receiving apparatus according to claim 6 wherein said first sending receiving unit switches the sending mode to the second sending receiving unit based on data specifying the [user's] intention of the user to make payment sent from the second sending receiving unit [if] when the data retrieved by said retrieval unit is the data newly stored in said first sending receiving unit.

--8. (Amended) The data sending receiving apparatus according to claim 7 wherein said first sending receiving unit sends to said second sending receiving unit data newly stored in said first sending receiving unit with [the] a same data quality as [that] a data quality in sending other data stored in said first storage unit [if] when the data specifying the [user's] intention of the user to make payments for the request information from the user sent from the second sending receiving unit indicates that the user is willing to make the payments.

--9. (Amended) The data sending receiving apparatus according to claim 8 wherein said first sending receiving unit sends to said second sending receiving unit data newly stored in said first sending receiving unit with

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[the] a data quality lower than [that] a data quality in sending other data stored in said first storage unit [if] when the data specifying the [user's] intention of the user to make payments for the request information from the user sent from the second sending receiving unit indicates that the user is not willing to make the payments.

--10. (Amended) The data sending receiving apparatus according to claim 1 wherein said second sending receiving unit generates the request information from the user inclusive of [the] genre designation information to send the generated information to said first sending receiving unit.

--11. (Amended) The data sending receiving apparatus according to claim 11 wherein said second sending receiving unit, when reproducing data stored in said storage unit, reproduces the data in [the] a same playback state as [that] a playback state for reproducing data other than the data newly stored in said first storage unit [if] when the user is willing to make [the] a payment.

--12. (Amended) The data sending receiving apparatus according to claim 11 wherein said second sending receiving unit, when reproducing data stored in said second storage unit, sends the information

concerning the payment to said first sending receiving unit [if] when the user is willing to make the payment.

--13. (Amended) The data sending receiving apparatus according to claim 12 wherein said first sending receiving unit performs accounting based on [the] accounting information sent from said second sending receiving unit.

--14. (Amended) The data sending receiving apparatus according to claim 11 wherein said first sending receiving unit sends to said second sending receiving unit data specifying that [the] an accounting has come [toa] to a close and appends accounting data specifying that [effect] the accounting has come to a close to data for playback stored in the second storage unit [based on data specifying that the accounting has come to a close].

--15. (Amended) The data sending receiving apparatus according to claim 14 wherein said second sending receiving unit switches the [reproducing] playback state of data stored in said second storage unit based on [said accounting] the data specifying that the accounting has come to a close.

--16. (Amended) The data sending receiving apparatus according to claim 11 wherein said second

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 sending receiving unit discontinues the [reproducing]  
playback state [if, when] while reproducing data stored  
 in said second storage unit[,]  
when the user has no  
 intention to make [payments] the payment.

--18. (Amended) A data receiving apparatus comprising:

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 a sending receiving unit for receiving data sent  
 from a host side device and for sending [the] request  
 information from [the] a user to said host side device;

a storage unit for storing received data sent by  
 said sending receiving unit; and

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 a controller for checking whether [or not] the sent  
 data from a host side device is data newly stored in said  
 host side device, said controller causing the sent data  
 to be stored in said storage unit [if the] when results  
 of [check] the checking indicate that the sent data is  
 data newly stored in said host side device.

--19. (Amended) The data receiving apparatus according to claim 18 further comprising[:]

a reproducing unit[;], wherein

said controller [causing] causes the sent data to  
 be reproduced by said reproducing unit [if] when the  
 results of [check] the checking indicate that the sent  
 data is data other than data newly stored in said host  
 side device.

--20. (Amended) The data receiving apparatus according to claim 19 wherein said controller [further] includes a check unit for checking whether [or not] the sent data is data newly stored in said host side device.

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--21. (Amended) The data receiving apparatus according to claim 20 wherein said controller [discriminates] includes means for discriminating, based on [the] supplementary data appended to the sent data for indicating that the data is data newly stored in the host side device, whether [or not] the sent data is data newly stored in the host side device.

--22. (Amended) The data receiving apparatus according to claim 18 wherein said sending receiving unit generates the request information from the user containing data specifying [the user's] an intention of the user to make payments to send the generated data to said host side device.

--23. (Amended) The data receiving apparatus according to claim 18 wherein said sending receiving unit generates the request information from the user containing [the] genre designation information to send the generated information to said host side device.

--24. (Amended) The data receiving apparatus according to claim 23 wherein [if,] when data stored in

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said storage unit is to be reproduced[,] and the user has [the] an intention to make payments, the data is reproduced in a reproducing state similar to [that] a reproducing state for reproducing data other than said data newly stored in said host side device.

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--25. (Amended) The data receiving apparatus according to claim 24 wherein [if,] when data stored in said storage unit is to be reproduced[,] and the user has the intention to make payments, [the] accounting information is sent from said sending receiving unit to said host side device.

--26. (Amended) The data receiving apparatus according to claim 25 wherein, after an accounting comes to a close based on [the basis of] the accounting information, accounting data specifying that the accounting has come to a close is appended to data for playback stored in said storage unit.

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--28. (Amended) The data receiving apparatus according to claim 24 wherein [if,] when reproducing data stored in said storage unit[,] and the user has no intention to make payments, the reproducing state is discontinued.

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--29. (Amended) A data receiving method comprising the steps of.



retrieving [plural] data stored in a first storage unit based on [the] request information from a user sent to a host side device;

sending [the] retrieved data obtained in said step of retrieving to a terminal side device;

checking whether [or not the] sent data in said step of sending is data newly stored in said first storage unit; and

storing the sent data in a second storage unit of said terminal side device [if the] when results of [discrimination] said checking indicate that the sent data is data newly stored in said first storage unit.

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--30. (Amended) The data sending receiving method according to claim 29 [wherein, if] further comprising the step of reproducing the sent data by said terminal side device when the results of [discrimination] said checking indicate that the sent data is data other than data newly stored in said first storage unit[, the sent data is reproduced by said terminal side device].

--31. (Amended) The data sending receiving method according to claim 29 wherein [if,] when the retrieved data is sent[, and the sent data is data newly stored in said first storage unit, supplementary data specifying that the sent data is data newly stored in said first storage unit is appended to the sent data and resulting data is sent.

--33. (Amended) The data sending receiving method according to claim 29 wherein the request information from the user containing data specifying [the user's] an intention of the user to make payments is generated and sent from said terminal side device to said host side device.

Ay --34. (Amended) The data sending receiving method according to claim 33 wherein [the] a sending mode of the retrieved data is switched based on [the basis of] data specifying the [user's] intention of the user to make payments for the request information sent from the portable terminal device.

--35. (Amended) The data sending receiving method according to claim 33 wherein [the] a sending mode of the retrieved data is switched based on [the basis of] data sent from the terminal side device specifying the [user's] intention of the user to make payments for the request information in case the retrieved data is data newly stored in said first storage unit.

--36. (Amended) The data sending receiving method according to claim 35 wherein, if the data sent from the terminal side device specifying the [user's] intention of the user to make payments for the request information sent from the terminal side device specifies that the user has the intention [of making] to make payments, data

newly stored in said first storage unit is sent to said terminal side device with [the] a same data quality as [that] a data quality of other data stored in said first storage unit and sent.

--37. (Amended) The data sending receiving method according to claim 36 wherein, [if] when the data sent from the terminal side device specifying the [user's] intention of the user to make payments for the request information sent from the terminal side device specifies that the user has no intention [of making] to make payments, data newly stored in said first storage unit is sent to said terminal side device with [the] a data quality inferior to that of other data stored in said first storage unit and sent.

--38. (Amended) The data sending receiving method according to claim 29 wherein the request information from the user containing [the] genre designation information is generated and sent to said host side device.

--39. (Amended) The data sending receiving method according to claim 38 wherein [if,] when data stored in said storage unit is to be reproduced[,], and the user has the intention to make payments, the data is reproduced in a reproducing state similar to [that] a reproducing state

in reproducing data other than said data newly stored in said host side device.

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 --40. (Amended) The data receiving method according to claim 39 wherein [if,] when data stored in said storage unit is to be reproduced[,] and the user has the intention to make payments, [the] accounting information is sent to said host side device.

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 --46. (Amended) A data sending apparatus comprising:

a storage unit having [plural] data stored therein;  
 a retrieval unit for retrieving data stored in said storage unit based on [the] request information from [the] a user containing data specifying [the user's] an intention of the user to make payments sent from a terminal side device; and

a sending receiving unit for sending the data retrieved by said retrieval unit, said sending receiving unit receiving the request information sent from the user to send the received information to said retrieval unit, said sending receiving unit switching [the] a sending mode to said terminal side device of data retrieved by said retrieval unit based on data specifying the [user's] intention of the user to make payments for the request information from the user.

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--47. (Amended) The data sending apparatus according to claim 46 wherein said sending receiving unit switches the sending mode to said terminal side device based on data specifying the [user's] intention of the user to make payments for the request information from the user sent from the terminal side device [if] when the data retrieved by said retrieval units is data newly stored ins aid storage unit.

--48. (Amended) The data sending apparatus according to claim 47 wherein, if the data sent form the terminal side device specifying the [user's] intention of the user to make payments for the request information sent from the terminal side device specifies that the user has the intention [of making] to make payments, data newly stored in said storage unit is sent to said terminal side device with [the] a same data quality as [that] a data quality of other data stored ins aid storage unit and sent.

--49. (Amended) The data sending apparatus according to claim 48 wherein, if the data sent from the terminal side device specifying the [user's] intention of the user to make payments for the request information sent from the terminal side device specifies that the user has no intention [of making] to make payments, data newly stored in said storage unit is sent to said terminal side device with the data quality inferior to